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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/709,322

04/28/2004

Gary L. Rytlewski

22.1391CON

3321

35204 7590 01/16/2007
SCHLUMBERGER RESERVOIR COMPLETIONS
14910 AIRLINE ROAD
ROSHARON, TX 77583

EXAMINER

STEPHENSON, DANIEL P

ART UNIT

PAPER NUMBER

3672

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

01/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/709,322 | | RYTLEWSKI ET AL. | |
| | Examiner | | Art Unit | |
| | Daniel P. Stephenson | | 3672 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 15-27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-12, 17-27 and 33-35 is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>11/7/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Appeal

1. In view of the Appeal Brief filed on 10/16/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 15, 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of WIPO '798 and Sonnenschein et al. Moss '552 (Figures 2 and 3, para. 11-

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29) discloses an apparatus for use with a subsea well. The apparatus has a carrier line spool, which has a carrier line that is adapted to be positioned underwater and to be operatively coupled to subsea wellhead equipment. The carrier line spool is a coiled tubing or wireline spool. There is an injector head (26) adapted to drive coiled tubing from the coiled tubing spool into the subsea well, the injector head located on a stack on the wellhead, along with the coiled tubing spool. The apparatus also has a carousel containing a plurality of intervention tools. The carousel is rotatable underwater to enable switching of tools for connection to the carrier line. An underwater marine unit is adapted to operatively couple the carrier line to the subsea wellhead equipment, namely an ROV. The ROV takes down an umbilical line to the stack to receive command signals. Moss '552 does not disclose that the ROV is controlled through wireless acoustic wave signals. Sonnenschein et al. (col. 8 lines 48-55) discloses an ROV that receives acoustic wireless signals to communicate and instruct it. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the ROV of Moss '552 through the use of wireless acoustic signals. This would be done to allow for more flexibility in the movement of the ROV.

4. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of Dailey '526. Moss '552 shows all the limitations of the claimed invention, except it does not disclose that there are buoyancy tanks located on the stack or carrier spool. Dailey '526 (col. 3 lines 28-32) discloses buoyancy tanks attached to a module (12) that holds replacement tools for a bottom hole assembly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of Moss '552 to use the buoyancy

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devices as claimed by Dailey '526. This would allow greater control over the apparatus and allow them to come to the surface when necessary.

5. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of Hunter et al. '527. Moss '552 shows all the limitations of the claimed invention, except it does not disclose that there are buoyancy tanks located on the stack or carrier spool. Hunter et al. '527 (col. 3 lines 17-27) discloses buoyancy tanks (46) attached to a module (12) for placement on the subsea floor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of Moss '552 to use the buoyancy devices as claimed by Hunter et al. '527. This would allow greater control over the apparatus and allow them to come to the surface when necessary.

6. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of Gano et al. '320. Moss '552 shows all the limitations of the claimed invention, except it does not disclose that there are buoyancy tanks located on the stack or carrier spool. Gano et al. '320 (col. 6 lines 38-50) discloses buoyancy tanks (41, 41a) attached to subsea equipment (28,29) such as a Christmas tree or frame for placement on a subsea wellhead (26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of Moss '552 to use the buoyancy devices as claimed by Gano et al. '320. This would allow greater control over the apparatus and allow them to come to the surface when necessary.

Response to Arguments

7. Applicant's arguments filed 10/16/06 have been fully considered but they are not persuasive.

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The ROV of Moss is capable of coupling the carrier line to the subsea wellhead and thus meets the limitation of "adapted to operatively couple the carrier line to the intervention equipment". The wireless system of Sonnenschein et al. is combined to show alternate means of controlling any actions performed by the ROV as taught by Sonnenschein et al. Sonnenschein clearly states that this system can be used for the control of an ROV. It states, "Furthermore, the above described method, apparatus and system can be applied, with minor adaptations and modifications well known to those skilled in the art, not only to personal devices (beepers) as described, but also to underwater ROV (Remote Operated Vehicle) ... for wireless remote controlling of the operation of such underwater vehicles." Thus providing motivation for using wireless acoustic signals to control an ROV, namely the ROV of Moss '552.

Allowable Subject Matter

8. Claims 1-5, 7-12, 17-27 and 33-35 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 